

REMARKS

Claims 1, 42 and 48 have been amended to clarify the claimed subject matter and to delete unnecessary words. Support for the amendments is found, for example, in the paragraph bridging pages 34 and 35; in the paragraph bridging pages 98 and 99; and in the paragraph bridging pages 105 and 106. Claim 19 has been amended to correct a typographical error. Applicants submit that the amendments to the claims introduce no new matter into the application. Upon entry of this paper, claims 1-4, 6-8, 13, 19-21, 23, 24, 26-28, 30-34, 42, and 44-48 will be pending and under consideration.

Telephonic Interview

Applicants wish to thank Examiner Lin for his helpful comments during a telephone call with the undersigned attorney on May 12, 2009. Potential claim amendments to address the outstanding rejections were discussed. The claim amendments presented herein reflect the outcome of that discussion.

Rejections Under 35 U.S.C. § 103(a)

The Office action rejected claims 1, 3-4, 19, 24, 26, 28, 30-34, 42, 44, 46 and 48 under 35 U.S.C. § 103(a) as allegedly obvious in view of a combination of four different references including Dours-Zimmermann *et al.* (1994) J. Biol. Chem. 269(52): 32992-98 (“Dours-Zimmermann”), Hongo *et al.* (1994) Journal of General Virology 75: 3503-3510 (“Hongo”), Jemmerson *et al.* (1987) Proc. Natl. Acad. Sci. USA 84: 9180-84 (“Jemmerson”), and Arenkov *et al.* (2000) Anal. Biochem. 278: 123-31 (“Arenkov”). The Office action also rejected claims 2, 6-8, 13, 20, 21, 23, 26, 27, 45, and 47 as allegedly obvious over a combination of five different references including Dours-Zimmermann, Hongo, Jemmerson, Arenkov, and United States Patent No. 6,897,073 by Wagner *et al.* (“Wagner”).

Applicants submit that all pending claims are patentable over the cited references as, even in combination, the references would fail to suggest the presently claimed subject matter.

Applicants have previously explained that the cited references, including Hongo, do not teach or suggest a capture agent that binds an epitope spanning a splice junction. The Office

action argued (at page 6) that the previously pending claims, reciting a peptide epitope tag (PET) comprising an amino acid sequence encoded by an RNA spanning a splice junction, nevertheless did not require that the PET actually “include those amino acids that directly correlate to the RNA at the splice junction itself.” On that basis, the Office action argued that Hongo taught a capture agent that binds alternatively spliced peptides, even if not at the amino acids of the splice junction, thereby meeting the Office’s interpretation of the claim limitation.

Applicants have now amended claims 1 and 48 to recite the use of a capture agent specific for amino acids spanning a splice junction and have amended claim 42 to recite the use of a capture agent that specifically binds amino acids spanning the splice junction. Applicants submit that, as amended, the claims unambiguously require that the capture agent binds to amino acids “that directly correlate to the RNA at the splice junction itself.” None of the cited references teaches or suggests a method using such a capture agent.

Accordingly, Applicants respectfully request that the rejections be reconsidered and withdrawn.

CONCLUSION

Applicants believe that the claims are in condition for allowance. Applicants invite the Examiner to contact the undersigned Attorney to discuss any remaining issues.

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Respectfully submitted,

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